

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 439 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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J & P COATS LTD

Versus

M/S MINERVA THREAD WORKS  
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Appearance:

MR GN SHAH for Petitioners  
MR RR SHAH for Respondent No. 1  
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CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 06/07/2000

ORAL JUDGEMENT

Heard the learned counsel on both the sides.  
There is a consensus that the present respondent and the  
original defendant have ceased to use the device and  
label depicting "Trishul" since 1995 and have devised a

new label and a trade mark in respect of their Cotten Thread against which the present appellants have no objection. It is further understood that the original-defendant does not use and does not propose to use in respect of the Cotten & Synthetic Industrial Yarn manufactured by them, any mark or label or trade mark which would be similar to the trade mark of the appellants, and that the respondent may be permanently restrained from using or applying any mark similar to trident and "Trishul" which is the subject matter of the present litigation.

[2] Thus, the present appeal as well as the original suit have become infructuous. The learned counsel Mr.R.R.Shah appearing for the respondent produces a letter of instruction from his client, which is taken on record. And, by consent, it is ordered that the respondent shall not use or apply any mark, similar to trident or trishul. The original-plaintiff shall withdraw the original suit without any further orders or claims and there shall be no order as to costs. The appeal stands disposed of in terms of the consent as above.

06.07.2000. ( D. H. Waghela,J.)  
vrpanchal.